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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,042	10/15/2003	Eckart Op Den Camp	1-24802	5006
4859	7590	07/16/2004		
MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619		<div style="border: 1px solid black; padding: 2px; display: inline-block;">EXAMINER</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">NICHOLSON, ERIC K</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">ART UNIT</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">PAPER NUMBER</div>		
		<div style="border: 1px solid black; padding: 2px; display: inline-block;">3679</div>		

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/686,042	KYOSTI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Eric K Nicholson	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Drawings**

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clamping tool being of two parts joined together as claimed in claim 7, the spreading tool being of two parts joined together as claimed in claim 8 and the monitoring of the stroke of the spreading tool as claimed in claim 11 must be shown or the feature cancelled from the claim. No new matter should be entered.

**Claim Rejections –35 USC § 112**

Claims 6-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 6, lines 9-10, “the holding section” lacks proper antecedent basis.

**Claim Rejections – 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 3,826,523 to Eschbaugh. The Eschbaugh connection includes all the features of the present invention disclosing pipe 11, a holding plate 21 and a connection piece 10, the pipe is provided with a collar 13 which serves as an abutment for the holding plate at 24 and the connection piece is provided with a groove having a shoulder 23 into which the holding plate portion 28 engages. As to claim 2 the connection piece is provided with a mounting 17 for a seal 18 and the seal 18 engages on the collar 13 on the opposite side from the holding plate as is shown in fig. 1. As to claim 3, the collar 13 is formed by a bulged region of the pipe 11, as clearly shown by fig. 11. As to claim 4, the holding plate 21 has an abutment section 24 running radially to the longitudinal axis of the pipe (see fig. 1) which lies against the collar 13, and a conical holding section 28, which extends starting from the abutment section and engages into the shoulder 23 of the groove.

As to claim 5 the connection piece 10 is provided with a contact surface 35 for a spreading tool (column 3, lines 25-30) which can engage on the holding plate 21.

### **Claim Rejections – 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,826,523 to Eschbaugh in view of U.S. patent 3,521,912 to

Maurer and U.S. patent 5,848,616 to Vogel et al.. As noted above the Eschbaugh device provides a pipe 11 having a collar 13, a holding plate 21 and a connection piece 10 having a groove at 23 formed therein. The holding plate is pushed onto the pipe so that it lies against the collar (column 2, lines 25-27), the pipe is pressed into the connection piece 10 and the holding plate includes a portion that is widened to engage into the groove of the connecting piece to hold the pipe into the connecting piece. However, Eschbaugh does not disclose using a clamping tool to press the pipe into the connection piece nor a spreading tool to widen the holding piece into the groove of the connection piece. Maurer and Vogel et al. discloses that it is old and well known in the art to provide such pressing and spreading tools to aid in the assembly and ensure proper connection of a holding piece to a groove in a connecting piece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connection of Eschbaugh with a pressing tool such as tool 10 as taught by Maurer and a spreading tool such as taught by Vogel et al in column 2, lines 43-50, in order to provide a more secure coupling for the inserted pipe due to increased compressibility provided by the tools to ensure a tight and proper fitment between the pipe and the connection member. As to claim 9, see seal 18 of Eschbaugh which inherently must be in place on the pipe prior to the holding plate portion engaging in the groove of the

connection piece. As to claim 10, the spreading tool must inherently be provided with a face which contacts a surface of the connection piece in order to properly function and perform..

### **Allowable Subject Matter**

Claims 7,8 and 11 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

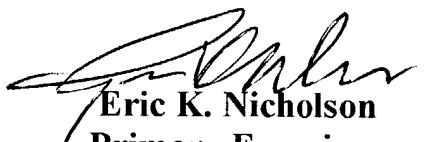
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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W@H  
4/20/04



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